



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0095

by Rep. André M. Thapedi

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1003

from Ch. 110, par. 2-1003

Amends the Code of Civil Procedure. Provides that, among other discovery, the physical and mental examinations of parties and other persons, the taking of depositions, and interrogatories (rather than "answers to interrogatories") shall be in accordance with court rules. Deletes language providing that: (1) the taking of depositions, whether for use in evidence or for purposes of discovery in proceedings in this State or elsewhere, and fees and charges in connection therewith, shall be in accordance with rules; (2) a party shall not be required to furnish the names or addresses of his or her witnesses, except that upon motion of any party disclosure of the identity of expert witnesses shall be made to all parties and the court in sufficient time in advance of trial so as to insure a fair and equitable preparation of the case by all parties; (3) whenever the defendant in any litigation in this State has the right to demand a physical or mental examination of the plaintiff pursuant to statute or Supreme Court Rule, relative to the occurrence and extent of injuries or damages for which claim is made, or in connection with the plaintiff's capacity to exercise any right plaintiff has, or would have but for a finding based upon such examination, the plaintiff has the right to have his or her attorney, or such other person as the plaintiff may wish, present at such physical or mental examination; and (4) no person or organization shall be required to furnish claims, loss or risk management information held or provided by an insurer described in a specified Section of the Illinois Insurance Code.

LRB099 03490 HEP 23498 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-1003 as follows:

6 (735 ILCS 5/2-1003) (from Ch. 110, par. 2-1003)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,
8 which has been held unconstitutional)

9 Sec. 2-1003. Discovery and depositions. ~~(a)~~ Discovery,
10 such as admissions of fact and of genuineness of documents,
11 physical and mental examinations of parties and other persons,
12 the taking of any depositions, and ~~answers to~~ interrogatories,
13 shall be in accordance with rules.

14 ~~(b) The taking of depositions, whether for use in evidence~~
15 ~~or for purposes of discovery in proceedings in this State or~~
16 ~~elsewhere, and fees and charges in connection therewith, shall~~
17 ~~be in accordance with rules.~~

18 ~~(c) A party shall not be required to furnish the names or~~
19 ~~addresses of his or her witnesses, except that upon motion of~~
20 ~~any party disclosure of the identity of expert witnesses shall~~
21 ~~be made to all parties and the court in sufficient time in~~
22 ~~advance of trial so as to insure a fair and equitable~~
23 ~~preparation of the case by all parties.~~

1 ~~(d) Whenever the defendant in any litigation in this State~~
2 ~~has the right to demand a physical or mental examination of the~~
3 ~~plaintiff pursuant to statute or Supreme Court Rule, relative~~
4 ~~to the occurrence and extent of injuries or damages for which~~
5 ~~claim is made, or in connection with the plaintiff's capacity~~
6 ~~to exercise any right plaintiff has, or would have but for a~~
7 ~~finding based upon such examination, the plaintiff has the~~
8 ~~right to have his or her attorney, or such other person as the~~
9 ~~plaintiff may wish, present at such physical or mental~~
10 ~~examination.~~

11 ~~(e) No person or organization shall be required to furnish~~
12 ~~claims, loss or risk management information held or provided by~~
13 ~~an insurer, which information is described in Section 143.10a~~
14 ~~of the "Illinois Insurance Code".~~

15 (Source: P.A. 84-1431.)